

REMARKS

Claims 1-36, 58-106, 133 and 134 are pending in the application, with claims 1, 58 and 71 being independent. Reconsideration of the application is respectfully requested in view of following remarks.

Examiner Interview

A telephonic interview was held February 26, 2007 between Examiner Revak and Applicants' representative, Charles J. Gross. Mr. Gross inquired as to the Examiner's interpretation of the Baker reference in view of claim 1. Specifically, the Examiner was requested to identify what was the alleged Secure Streaming Container in Baker's disclosure. The Examiner stated that the disclosure at Baker col. 2, lines 40-60 provided the description and that the streaming server component in section (a) and the transaction server component in section (b) fulfilled this required. Mr. Gross pointed out that these two components could not anticipate the invention of claim 1 since these components are not "transmitted" as required by claim 1. The Examiner concurred.

Traversal of §102(e) Rejections

Claims 1-17, 25-36, 58-87 and 95-106, 133 and 134 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,449,719 to Baker ("Baker"). This rejection is respectfully traversed.

For anticipation of a claim under 35 U.S.C. § 102, a single prior art reference must contain each and every limitation of the claim, either expressly or under the doctrine of inherency. Applicants submit that Baker does not disclose or suggest every limitation of claimed inventions. In fact, Applicants respectfully submit that Baker belongs to the prior art as described in the Background Section of Applicant's disclosure, where streaming of files across networks, and problems associated with this technique, may be found (see page 2, line 20 to page 3, line 17, for example).

Claim 1 recites, in part: “transmitting the SSC containing the encrypted streaming media.” Claim 71 recites, in part: “transmit the SSC containing the encrypted streaming media.” Baker does not disclose or suggest these features anywhere.

In view of the Examiner interview, Applicants respectfully submit that Baker cannot fulfill the requirements of independent claims 1 and 71 because the streaming server component and the transaction server component (col. 2, lines 40-60), as identified by the Examiner, are never transmitted, as required by independent claims 1 and 71. Rather, the streaming server component of Baker sends data packets to clients, and is itself never transmitted. Further, the transaction server component connects a user to a transaction server component and is itself never transmitted, as required by claims 1 and 71.

As to claim 58, this claim recites in part: “accessing the secured streaming container (SSC) using the one or more executable modules contained in the SSC to control playback of the streaming media content.” Applicants submit that Baker fails to disclose or suggest these features.

Applicants also submit that contrary to the Examiner’s statements on page 2 of the Office Action [at 2], the claims do not require further limitation to define what constitutes a “secure streaming container,” as this is sufficiently specified by the claims themselves as presented and in view of Applicants’ disclosure, and clearly distinguishes over the prior art of record. Since Baker does not disclose or suggest all the limitations of independent claims 1, 58 and 71, Applicants respectfully request that the 102(e) rejections of claims 1-17, 25-36, 58-87, 95-106, 133 and 134 should now be withdrawn, and that they are allowable.

With regard to dependent claims 2-17, 25-36, 59-70, 72-87, 95-106, 133 and 134, Applicant asserts that these claims are allowable on their own merits and at least because they depend on a respective allowable independent claim, which Applicant submits have been shown to be allowable.

Traversal of 103(a) Rejections

Claims 18-24 and 88-94 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of U.S. Patent No. 6,449,719 to Hind *et al.* (“Hind”) This rejection is respectfully traversed.

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Applicants submit that the dependent claims 18-24 and 88-94 depend from an allowable independent claim and therefore are also allowable for at least this reason.

Applicants respectfully submit that the 103(a) rejections should now be withdrawn.

Conclusion

Applicants submit that all the rejections have been properly addressed and traversed, and the claims are now in condition for allowance. Prompt and favorable reconsideration is requested of the application. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles J. Gross", with a long horizontal flourish extending to the right.

Charles J. Gross
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